

EXHIBIT A

THE 2009 PUBLIC PARKS AND RECREATION RULES AND REGULATIONS

The following rules and regulations for the use of public parks and recreational facilities in the City of Sedona are hereby to be set forth as Chapter 15 (Parks and Recreation) of the Sedona City Code:

Article 15-1. APPLICABILITY OF REGULATIONS

These regulations shall apply to all parks, recreation facilities and associated improvements and areas owned, leased or otherwise acquired by or under the operation and supervision of the City of Sedona, Arizona ("parks and recreation facilities"); except that, as to those recreation facilities and associated improvements and areas owned by the Sedona-Oak Creek Joint Unified School District No. 9 (the "District"), these regulations shall apply only at such times as those facilities, improvements and areas are under the use, operation and supervision of the City, and only to the extent permitted by the intergovernmental agreements between the City and the District concerning the District facilities, improvements and areas.

Article 15-2. USE OF PUBLIC PARKS AND RECREATION FACILITIES

Section 15-2-1. Hours of Use

Unless otherwise posted, parks shall be open daily to the public from dawn until dusk, with the exception of Posse Grounds Park, which shall be open from dawn until 10:00 p.m. Site amenities at Posse Grounds Park, such as the skatepark, Sedona Dog Park, proposed Barbara Antonsen Facility and the Teen Center may have separate hours posted. It shall be unlawful for any person (other than City personnel conducting City business) to use or be present in said parks and facilities during any hours in which they are not open to the public without written permission from the Administrative Services Director or designee.

Section 15-2-2. Vehicles in Parks and Recreation Facilities Areas

A motorized vehicle is defined as "any vehicle or conveyance that is or can be propelled without human power excluding devices designed and used by the physically handicapped." A non-motorized vehicle is defined as "Any conveyance or device which depends solely on human power for propulsion."

No person shall, at any time, drive or ride a motorized vehicle upon the premises of any park or recreation facility, except in public streets running through such premises or within designated parking areas located upon the premises, without the express written permission of the Administrative Services Director or designee. A maximum speed of fifteen (15) miles per hour shall be in effect at all times in the parking lots and streets running through such premises, unless otherwise posted.

The operation of any motor vehicle on park property including, but not limited to roads, parking lots, trails and open spaces must comply with all state and local laws as referenced to their use on any public road or highway. All state and local laws

apply to vehicle registration, insurance, the operator's age and licensing requirements and apply the same standards regarding the operation of a motor vehicle under the influence of alcohol or drugs.

No person shall operate or use a non-motorized device at parks and recreational facilities where such activity is specifically prohibited by appropriate posting.

Section 15-2-3. Horses and Other Riding Animals

Horses and other riding, draft, and burden animals, and any vehicles drawn by such animals are allowed only on specific, designated City equestrian areas and bridle paths, except as may otherwise be permitted by the Administrative Services Director, or designee, pursuant to written request.

Section 15-2-4. Camping and Parking in Parks and Recreation Facilities

Overnight camping and overnight parking are prohibited at parks and recreation facilities, except as permitted by the Administrative Services Director or designee. After hours parking is prohibited.

Section 15-2-5. Fires

No open fires are permitted, unless specifically authorized by the City and the Sedona Fire District. Charcoal may only be used in fixed grills provided in City parks and charcoal fires shall be attended at all times.

Section 15-2-6. Smoking

The City may prohibit smoking in any or all areas within a City Park by posting signs stating such.

The City or Sedona Fire District may temporarily prohibit smoking on all City Park lands during periods of high fire danger.

Section 15-2-7. Damaging Property, Tampering with Parks or Facilities

(a) It shall be unlawful for any unauthorized person to remove, destroy, mutilate, collect or deface any natural or manmade object within any park, trail, or open space area, including but not limited to trees, shrubbery, plants, flowers, rocks, fences, signs, kiosks, bulletin boards, restrooms, picnic tables, or trash containers.

(b) It shall be unlawful to plant trees or any other type of landscape material or establish or construct trails, monuments, memorials or other facilities for public or private use without the prior written consent of the Administrative Services Director or designee.

Section 15-2-8. Firearms and Deadly Weapons

(a) It shall be unlawful to carry or discharge into any park, trail, or open space area firearms or projectile weapons or explosives of any kind, including, but not limited to fireworks, BB guns, pellet guns, air guns, crossbows, longbows, slingshots or other device capable of causing injury to persons or animals or damage or destruction to property. Persons who possess a permit issued pursuant to A.R.S. 13-3112 and peace officers on official duty are exempt.

(b) It shall be unlawful to carry a deadly weapon into any park, trail, or open space area. A deadly weapon is defined as any item designed for lethal use and includes knives with blades longer than three and one-half inches (3½").

(c) Special events or instructional classes must receive written permission from the Administrative Services Director or designee.

Section 15-2-9. Golfing at Parks and Recreation Facilities

No person shall use any portion of any park or recreation facility for golfing purposes, or make use of any golf club or golf ball in any park or recreation facility except for public events or classes.

Section 15-2-10. Glass Containers in Parks and Recreation Facilities

It shall be unlawful for any person to have a glass container in his/her possession in any park unless specifically authorized by the Administrative Services Director or designee.

Section 15-2-11. Littering

It shall be unlawful to litter at a park or recreation facility. Users are responsible for returning facility to an as found condition.

Section 15-2-12. Dumping or Depositing of Household or Commercial Trash

Dumping or depositing household or commercial trash on or at a park or recreation facility, or in dumpsters or trash receptacles provided is prohibited.

Section 15-2-13. Domestic Animals

Domestic animals shall be kept on a leash at all times at parks and recreation facilities except at the Sedona Dog Park or when participating in a program authorized by the Parks and Recreation Department. Owners are responsible for cleaning up and disposing of their animal's excrement by removing it from the park or disposing of it in a trash receptacle located in the park.

Domestic animals are not permitted on athletic fields except when authorized by the Administrative Services Director or designee.

The disposal, burying, entombment, or the spreading of remains of household pets or domesticated animals is prohibited on any City park lands.

Section 15-2-14. Prohibited Substances

No person shall consume possess or distribute an open container of alcoholic beverages at parks and recreation facilities. No person shall consume, distribute or possess any substance in violation of Title 13, Chapter 34, Drug Offenses of the Arizona Revised Statutes, at parks and recreation facilities.

Section 15-2-15. Distribution or Sale of Food, Beverages or Other Items

Commercial distribution or sales of food, beverages or any other item is prohibited at parks and recreation facilities, unless written authorization is obtained from the Parks and Recreation Department.

Section 15-2-16. Park and Facility Closure

(a) The Administrative Services Director, or designee, has the authority to close a park or recreation facility or portion thereof, at his/her discretion. Reasons include, but are not limited to vandalism, weather, repairs, etc.

(b) No person shall use any City park facility, or any area in a city park, which has been declared "closed" and which has been so posted by the City, except as authorized in writing by the Administrative Services Director or designee.

Section 15-2-17. Signs, Decorations and other Objects

(a) The posting, draping or attachment of any sign, poster, bill, advertisement or directional flagging to any park sign, sign post or facility including free-standing signs on park property is prohibited without the permission of the Administrative Services Director or designee.

(b) The posting of advertisements or the placement of brochures by private parties on City park, trail or open space area facilities and on vehicles within designated parking areas is prohibited.

(c) Placement of tents or temporary structures must be approved by Parks Maintenance before installation.

Article 15-3. RESERVATIONS AND PERMITS FOR PARKS AND RECREATION FACILITIES

Section 15-3-1. Reserving Exclusive Use

A facility use request shall be submitted to the City Parks and Recreation Office whenever any person or group desires exclusive use of any portion of any City Park or recreation facility. The Administrative Services Director, or designee, is hereby authorized to accept or reject reservations in accordance with this ordinance.

Section 15-3-2. Facility Reservation Procedures

1. All reservation forms must be received within 10 working days prior to anticipated use, at the City of Sedona Parks and Recreation Office during normal business hours. Reservations may be obtained up to six (6) months in advance.
2. A reservation is not complete until required fees and/or deposits are paid, and Parks and Recreation approve a reservation request and if required, a City Temporary Use Permit and/or County Health Department Permit is obtained. (See special event procedures).
3. Reservations shall be issued only to persons eighteen (18) years of age and older. Reservations are not transferable and shall be in the possession of the reservation holder at the time of park or recreation facility use.
4. Group activities, events or organized functions shall be confined to the specific park or recreation facility reserved to the named responsible party.

5. The Administrative Services Director, or designee, may require the named responsible party to arrange for police patrol of a group's activity, event or organized function if large crowds may reasonably be expected or if the nature of the activity, event or function, in the Director's sole opinion, warrants law enforcement and/or traffic control. The named responsible party is solely responsible for paying for such law enforcement and/or traffic control services.
6. The named responsible party and all individuals, and the group, club, organization or association occupying or using the park or recreation facility, or any portion thereof, pursuant to the reservation, as an express condition of such occupation or use, shall hold harmless from and indemnify the City of Sedona and all City employees and officials against all damage to park or facility or the death of or any injury to any person whatsoever arising out of or resulting in any way from such occupation or use. Proof of liability insurance may be required depending on the nature of the use. The named responsible party has been informed that if any individuals, group, club, organization or association is harmed due to the nature of the use (if different from the normal use of the park facility), those people are not covered under the City's liability insurance policy, regardless of the incident occurring on City property or during a City event. The named responsible party is required to show proof of liability insurance have the option of purchasing "one time" event coverage through TULIP (Tenant User Liability Policy). Parks and Recreation is able to provide more information regarding the TULIP system if requested.
7. Regular or frequent use of a park or recreation facility by clubs, organization or associations may be specially allowed through a signed agreement between the City and such club, organization or association. The Administrative Services Director, in accordance with the terms of this ordinance and upon review and approval of the City Manager, is authorized to enter into such agreements. The term of a special reservation shall not exceed one (1) year.
8. The responsible party and all individuals of the group, club, organization or association occupying or using the park or recreation facility or portion thereof shall be responsible for litter control and returning the facility to an as found condition.
9. Recurring usage requests of a City facility will be evaluated and authorized with written permission from the Administrative Services Director.
10. Use of City facilities for profit making is not permitted, except with authorized written permission from the Administrative Services Director.

Section 15-3-3. Special Events

The event organizer must submit a letter of intent at least 60 days prior to the proposed event. Parks and Recreation, in conjunction with the Community Development Department, will review the letter and determine the proper permitting process, if applicable.

Section 15-3-4. Reservation Fees and Deposit

1. Fees and deposits shall be paid in advance. If inclement weather causes a cancellation, a reservation may be reissued for another available date and time, or fees and deposits may be refunded at the discretion of the Administrative Services Director.
2. Any required clean-up and damage deposit will be returned within thirty (30) days of the reservation, if the City premises and equipment are left in the same or better condition than in which they were found. Charges, which may be taken from the deposit, include, but are not limited to:
 - a) Cleaning of City premises or equipment - per hour costs based on City employees' hourly rate of compensation, plus supply costs.
 - b) Loss of keys
 - c) Damage to City premises or equipment - parts and labor.

Definition of Fee and Deposit Categories

3. CATEGORY I: "City Sponsored/Affiliated or Non-Profit"

- a. Activities, meetings or programs conducted by City employees for City purposes.
- b. Co-sponsored events conducted in cooperation with outside individuals, organizations, or public or private agencies.
- c. Activities and programs conducted through agreements or contracts between the City and outside individuals, organizations, or public or private agencies.
- d. Activities, meetings or programs conducted by any elected or appointed City official for City purposes and/or other governmental organizations.
- e. All non-profit organizations conducting non-commercial activities.
- f. Other community events that may have a community benefit, as determined by the Administrative Services Director.
- g. All non-profits, except park lessees, utilizing City park facilities and amenities for fundraising or commercial activities will be classified as a Category III.

- CATEGORY II: "Private" shall include:

- a. Any private group, club, agency, organization or individual using a City Park or recreation facility where no profit will be realized. For example receptions, birthdays and organizational meetings.

- CATEGORY III: "Commercial/Profit Making", shall include:

- a. Any group, club, agency, organization or individual, except as defined in Categories I and II, using a City park or recreation facility in an attempt to realize a profit from its use or activity and where an admission charge is made or other proceeds are received.

RESERVATION FEE AND DEPOSIT SCHEDULE

See current fee schedule as adopted by the City Council